

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEITH L. NASH,

Plaintiff,

vs.

DEPARTMENT OF CORRECTIONS,
ROBERT M. McKENNA, BRIAN G.
MAXEY, AMANDA MIGCHELBRINK,
HAROLD CLARK, ELDON VAIL,
DWON SCITUN, MAGGIE MILLER-
STOUT, RENATE ARCHER, RISA
KLEMME, MICHEAL GUZMAN,
ELLER-MICHEL DOUGHTY, MS.
HUGUENIN, MS. K. HOLLAND and
MR. SERGEANT CARPENTER,

Defendants.

NO. CV-06-362-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION, DENYING MOTION TO
SUPPLEMENT AND DISMISSING FIRST
AMENDED COMPLAINT

1915 (g)

BEFORE THE COURT are Plaintiff's Objection to the Report and Recommendation to Dismiss the First Amended Complaint and to Deny Supplementation of the First Amended Complaint, as well as a Declaration in Support of this Objection, which Plaintiff noted for hearing with oral argument on July 27, 2007. Such notation was unnecessary.

After review of the Report and Recommendation, Plaintiff's Objections and the file in this action, **IT IS ORDERED** for the reasons ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING MOTION TO SUPPLEMENT AND DISMISSING FIRST AMENDED COMPLAINT -- 1

1 set forth by the Magistrate Judge, the Report and Recommendation is
2 **ADOPTED in its entirety.**¹ Accordingly, **IT IS ORDERED** the First
3 Amended Complaint (Ct. Rec. 22) is **DISMISSED** for failure to state a
4 claim upon which relief may be granted. **IT IS FURTHER ORDERED**
5 Petitioner's Motion to Supplement under Fed. R. Civ. P. 15(d) (Ct.
6 Rec. 20) is **DENIED**.

7 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a
8 prisoner who brings three or more civil actions or appeals which are
9 dismissed as frivolous or for failure to state a claim will be
10 precluded from bringing any other civil action or appeal *in forma*
11 *pauperis* "unless the prisoner is under imminent danger of serious
12 physical injury." 28 U.S.C. § 1915(g). Plaintiff is advised to read
13 the new statutory provisions under 28 U.S.C. § 1915. This dismissal
14 of Plaintiff's complaint may count as one of the three dismissals
15 allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to
16 file future claims.

17 **IT IS SO ORDERED.** The District Court Executive is directed to
18 enter this Order, forward a copy to Plaintiff at his last known
19 address, enter judgment, and close the file. The District Court
20 Executive is further directed to forward a copy of this Order to the
21 Office of the Attorney General of Washington, Criminal Justice
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24 The court notes the Caption Title of Ct. Rec. 30 should have
25 read, "ORDER REGARDING OBJECTIONS AND REPORT AND RECOMMENDATION TO
26 DENY MOTION TO SUPPLEMENT COMPLAINT AND TO DISMISS FIRST AMENDED
27 COMPLAINT."

28 ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING MOTION TO SUPPLEMENT
AND DISMISSING FIRST AMENDED COMPLAINT -- 2

1 Division. The District Court Executive is further directed to **STRIKE**
2 any pending motions or deadlines.

3 **DATED** this 5th day of July 2007.

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5 s/ Fred Van Sickle
6 FRED VAN SICKLE
7 UNITED STATES DISTRICT JUDGE
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